

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DARRELL WHITEHORN,

Petitioner,

vs.

DAVE DORMIRE,

Respondent.

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Case No. 4:09CV00881 HEA/AGF

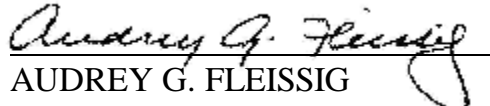
MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's motion for appointment of counsel.

There is no constitutional right for a pro se habeas petitioner to have counsel appointed, although the Court has discretion to appoint an attorney in such a case when necessary. Morris v. Dormire, 217 F.3d 556, 558 (8th Cir. 2000); Nachtigall v. Class, 48 F.3d 1076, 1081 (8th Cir. 1995). Among the factors a court should consider in making this determination are the factual and legal complexity of the case, the ability of the petitioner to present the facts and present his claims, and the degree to which the petitioner and the Court would benefit from such an appointment. Morris, 217 F.3d at 558-59; Hoggard v. Purkett, 29 F.3d 469, 471 (8th Cir. 1994). Upon review of the record, the Court does not believe that the appointment of counsel is necessary here.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's motion for appointment of counsel is **DENIED**. [Doc. #3]


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 24th day of July, 2009.